

# HOUSE BILL No. 4011

January 31, 1991, Introduced by Reps. Alley, Middaugh, Bartnik, Power, Bodem, Sikkema, Brown, Olshove, Van Singel, DeBeaussiaert and Hickner and referred to the Committee on Conservation, Recreation and Environment.

A bill to create a statewide hazardous material spill prevention program to preserve and protect the public health, safety, and welfare and the waters of the state; and to provide the powers and duties of certain state agencies and officials.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. As used in this act:

2       (a) "Department" means the department of natural resources.

3       (b) "Fixed installations" means any facility or appurtenant  
4 equipment that manufactures, produces, sells, uses, or stores a  
5 hazardous material or operates as a transfer station for a haz-  
6 ardous material and from which a spill of a hazardous material  
7 may contaminate the waters of the state.

8       (c) "Hazardous material" means a chemical or other material  
9 which is or may become injurious to the public health, safety, or  
10 welfare or to the environment.

1 (d) "Mobile source" means a vessel, vehicle, train, or plane  
2 that transports a hazardous material in the state.

3 (e) "Program" means a statewide hazardous material spill  
4 prevention program.

5 (f) "Spill" means any leaking, pumping, pouring, emptying,  
6 emitting, discharging, escaping, leaching, or disposing of a haz-  
7 ardous material in a quantity which is or may become injurious to  
8 the public health, safety, welfare, or to the environment.

9 (g) "Waters of the state" means all groundwaters, lakes,  
10 rivers, streams, and other watercourses including the Great Lakes  
11 and their connecting waterways within the jurisdiction of the  
12 state.

13 Sec. 2. (1) The department, in consultation with the  
14 departments of public health, agriculture, and state police, and  
15 the state transportation department, shall develop a statewide  
16 hazardous material spill prevention program by June 1, 1991.

17 (2) In developing the program, the department shall do all  
18 of the following:

19 (a) Assess the potential of spills of hazardous materials  
20 into the waters of the state associated with fixed installations  
21 and with mobile sources that may cause or have caused spills.

22 (b) Develop a listing of general types of mobile sources and  
23 fixed installations and identify those with the greatest poten-  
24 tial to result in a spill of a hazardous material into the waters  
25 of the state.

26 (c) Plan and conduct public meetings and discussion seminars  
27 to involve the public, owners and operators of mobile sources and

1 fixed installations, and appropriate professional and industrial  
2 groups to receive and evaluate suggestions for development of the  
3 program.

4 (d) Consult available and relevant scientific and technical  
5 information and consult with recognized experts in the area of  
6 hazardous material spills.

7 (e) Determine and advise the governor and the legislature if  
8 initiatives are necessary to prevent spills of hazardous materi-  
9 als into the waters of the state and the reporting of those  
10 spills.

11 Sec. 3. (1) The program shall apply to those mobile sources  
12 and fixed installations that are identified by the department  
13 pursuant to section 2(2)(b) to have the greatest potential to  
14 result in a spill of a hazardous material into the waters of the  
15 state.

16 (2) The program shall include the planning and conducting of  
17 public education and discussion seminars to involve the public  
18 and appropriate professional and industrial groups in the spill  
19 prevention program.

20 (3) The program shall, on an ongoing basis, evaluate exist-  
21 ing prevention plans and identify necessary changes to those  
22 plans, and recommend new programs for the prevention of spills of  
23 hazardous materials for the following that may contribute to  
24 spills of hazardous materials into the waters of the state:

25 (a) Mobile source and fixed installation engineering  
26 design.

1 (b) Causal factors in spills of hazardous materials into the  
2 waters of the state.

3 (c) Human factors contributing to human error and how they  
4 can be minimized through employee assistance and other employer  
5 and state support programs.

6 (d) Deployment of new technology related to the prevention  
7 of spills of hazardous materials into the waters of the state.

8 (e) Mobile sources and fixed installations operator and  
9 employee training programs.

10 (f) Monitoring and enforcement of laws or rules pertaining  
11 to mobile sources and fixed installations.

12 (4) The program shall be implemented in coordination with  
13 other state, federal, local, and international agencies in the  
14 development of new spill prevention and response technologies  
15 specific to the needs for spill prevention in the waters of the  
16 state.

17 (5) The program shall provide for the collection and dissem-  
18 ination of existing information on the issues listed in subsec-  
19 tion 3(a) to (f).

20 Sec. 4. The legislature shall annually appropriate suffi-  
21 cient funds to implement this act.